

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIX GARCIA, 04A2384

Plaintiff,

**ORDER FOR LEAVE TO
TO PURSUE DEPOSITION
OF PLAINTIFF**

-against-

Case No.: 24-CV-2388

A RODRIGUEZ, ET. AL.,

Defendants.

Upon reading and filing the annexed Affirmation of Elizabeth Barbanes, Assistant Attorney General, Office of The Attorney General of The State of New York, Letitia James, Attorney General, counsel to Defendants A RODRIGUEZ AND P THORPE, sworn on May 7, 2025, and pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), it is hereby:

ORDERED that Defendants A RODRIGUEZ AND P THORPE be permitted to take the deposition of Plaintiff FELIX GARCIA, at a correctional facility at either the Otisville Correctional Facility or a correctional facility within the Department of Corrections and Community Supervision (“DOCCS”) network of facilities during regular business hours; and it is further

ORDERED that the notice to deponent be deemed due and adequate if Notice of Deposition and a copy of this Order are sent via regular mail to the deponent at deponent’s present facility of incarceration at least ten (10) days prior to the scheduled date of his deposition; and it is further

ORDERED that, if required, the deposition may take place via telephone or video, and must be recorded by reliable audio, audiovisual, or stenographic means,

ORDERED the deponent's disagreement with any directives of security staff at the correctional facility is not ground on which deponent may refuse to answer questions; and it is further

ORDERED that failure of deponent to attend, be sworn and answer appropriate questions may result in sanctions pursuant to Rule 37 of the Federal Rules of Civil Procedure. However, valid objections made in good faith to appropriate questions are permissible.

Dated: White Plains, New York
May 9, 2025

SO ORDERED



Hon. Andrew E. Krause
United States Magistrate Judge

The Clerk of Court is respectfully directed to mail a copy of this order to the *pro se* Plaintiff.